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## Attorneys for the Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) No. CR 11-0298 RS  
Plaintiff, )  
v. )  
GILBERTO ANDRACA-CARDENAS, )  
Defendant. )  

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**STIPULATION AND ~~PROPOSED~~  
ORDER EXCLUDING TIME UNDER 18  
U.S.C. § 3161**

The defendant appeared for his third status conference before this Court on July 12, 2011. The defense requested that this matter be continued to September 6, 2011. The defendant anticipates filing a motion attacking the defendant's prior conviction and removal. In preparation for this motion, Defense counsel needs time to hire an immigration attorney and retrieve court documents and arrest reports related to the defendant's conviction in Hayward. Defense counsel will also be unavailable during a significant portion of the month of August. The Government did not object to the continuance. The parties have agreed to exclude the period of time between June 21, 2011 to July 12, 2011, from any time limits applicable under 18 U.S.C. § 3161.

1 Defense counsel represented that granting the exclusion would allow the reasonable time  
2 necessary for effective preparation and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).  
3 The parties also agree that good cause exists, and that the ends of justice served by granting such  
4 an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial.  
5 18 U.S.C. § 3161(h)(7)(A). At the hearing, the Court made findings consistent with this  
6 agreement.

7 SO STIPULATED:

8 MELINDA HAAG  
9 United States Attorney

10  
11 DATED: July 15, 2011

/s/  
12 SUSAN PHAN  
Special Assistant U.S. Attorney

13  
14 DATED: July 15, 2011

/s/  
15 STEVEN KALAR  
Attorney for GILBERTO ANDRACA-CARDENAS

1 [PROPOSED] ORDER

2 For the reasons stated above at the July 12, 2011 status conference, the Court finds that  
3 the exclusion from the time limits applicable under 18 U.S.C. § 3161 of the period from July 12,  
4 2011 to September 6, 2011 is warranted and that good cause exists, and the ends of justice  
5 served by the continuance outweigh the best interests of the public and the defendant in a speedy  
6 trial. 18 U.S.C. §3161(h)(7)(A).

7

8 IT IS SO ORDERED.

9

10 DATED: 7/15/11

11   
RICHARD SEEBORG  
United States District Judge